REMARKS

In the Office Action, the Examiner objected to claims 1-8 because of informalities. Claims 1-8 were rejected under 35 U.S.C. 102(b) as being anticipated by Nova et al. in U.S. Patent No. 6,319,668. Additionally, claims 1-5 were rejected under 35 U.S.C. 102(b) as being anticipated by Levin in U.S. Publication No. 2002/0032435.

The Examiner states that claims 1 to 8 are rejected under 35 U.S.C. 102(b) as being disclosed by Nova. Regarding new claim 9 and the specification, the Applicant does not agree with this statement.

The device of Nova is for tagging molecules and not to control and to secure the flow of a fluid in surgical operations. The device of Nova is not used for fluids but for particles. There is no transponder but a separate device i.e. a laser.

Nova is an optical system with a vessel (212) containing a number of particles which are oriented by passing in a write read path (206) that has an optically transparent tube with a cross-section which orients the particles as required to expose the memory surface to the laser (200) which is capable of emitting a plurality of discrete stable wavelengths, as illustrated in Figure 8. (Besides Figure 7 does not seem to be described.)

According to the Examiner, claims 1 to 5 are rejected under 35 U.S.C. 102(b) as being disclosed by Levin. In view of new claim 9 and the specification, the applicant does not share this point of view.

Levin discloses a system that monitors and tracks medical materials, including surgical implements. The device of Levin allows to identify a surgical implement with an individual identifier detected by a sensor, while the present application's device is related to a circulating product. Levin's device does not include either a dispensing and aspiration machine or any electronic manager to modify any parameter.

In Levin, the patient sensor system is pre-programmed with patient information, including for example, allergies, current medications, patient requests. If the content of the identifier is harmful for a patient, then when the integrated circuits (319 or 324) come near the sensor system (310) located in the patient's identification bracelet (300), an alarm / alert will sound.

The information which is on the transponder is on the parameters of the circulating fluid as for example the values of the temperature, pressure and flow rates of the fluid.

As the information is on the flow rate of the fluid, the device of the present application can change the flow rate if certain critical values are attained. The sensor

detects immediately the critical value and transmits it to the transponder. The transponder transmits it to the receiver which transmits it to the electronic manager. After this step, an electronic manager modifies the setting and mode of circulation of the fluid dispensing and aspiration machine. It can prevent a surgical operation from becoming harmful and allowing to have more than one flow rate.

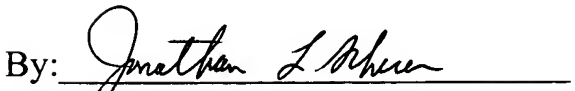
In the applicant's, more than one tube can be disposed between the machine and the patient, each tube having one transponder, which allows to have at the same moment two different flow rates. Thus it can simplify surgical operations.

Based on the foregoing amendments and remarks, it is respectfully submitted that the claims in the present application, as they now stand, patentably distinguish over the references cited and applied by the Examiner and are, therefore, in condition for allowance. A Notice of Allowance is in order, and such favorable action and reconsideration are respectfully requested.

However, if after reviewing the above amendments and remarks, the Examiner has any questions or comments, he is cordially invited to contact the undersigned attorneys.

Respectfully submitted,

JACOBSON HOLMAN, PLLC

By: 
Jonathan L. Scherer
Reg. No. 29,851

400 Seventh Street, N.W.
Washington, D.C. 20004-2201
(202) 638-6666
Date: August 21, 2006
JLS/arc